

RULES AND ORDERS of the CITY COUNCIL

RULE 1 Regular meetings of the City Council shall be held on the second and fourth Mondays of each month, except during the months of July and August, at 7:30 p.m. When Monday falls on a holiday the meeting shall be held on the following day, provided, however, that when Monday falls on December 24, the meeting shall be held on December 26.

Special meetings of the City Council may be held at the call of the Mayor, as provided in section 3-10, on the call of the City Council President or on the call of any three (3) or more Councillors, by written notice delivered in hand or to the place of residence of each member of the Council at least forty-eight (48) hours in advance of the time set, and which includes notice of the subjects which are to be acted upon, and no other business shall be in order.

In the event of an emergency the Council President, after consultation with the City Clerk, the Chairpersons of Standing Committees, and others as necessary, may cancel any meeting of the City Council or its committees. In such case the President shall direct the Clerk's Office to use appropriate means to notify all Council members, invited guests, petitioners, and the general public as soon as possible after the decision is made.

RULE 2 No regular Waltham City Council meeting shall continue past 12:00 midnight except by a 2/3 vote of the entire Council, provided that such vote shall not extend the time of the meeting for more than one hour beyond midnight without a subsequent 2/3 vote of the entire Council at that hour, and further provided that subsequent 2/3 votes shall be required for each additional hour thereafter.

RULE 3 When construing Rules and Orders of the City Council, words importing the singular number may extend and be applied to several persons or things, words importing the plural may include the singular. The Council Rules, and all amendments thereto, shall be interpreted and written in a manner that is gender neutral.

RULE 4 ROBERTS RULES OF ORDER most recent Edition shall be the authority adopted by this Council on all points of parliamentary practice not specifically covered by the Rules of the Council.

RULE 5 All matters shall be submitted to the City Clerk's office both electronically and in hard copy.

RULE 6 Councillors wishing to congratulate a group or individual by an in person presentation of a Resolution shall notify the President of the Resolution. The President in consultation with the City Clerk shall schedule the presentation. The Council shall be notified on the docket prior to that meeting.

RULE 7 Any proposed repeal or amendment of Council Rules shall be submitted to the City Council in the form of a Resolution. No Council Rule shall be repealed or amended unless notice thereof has been given at a preceding regular or special Council meeting and unless ten (10) members of the Council concur therein.

This rule shall not be suspended except by unanimous consent of the City Council.

RULE 8 At every regular meeting of the Council, the order of Business shall be as follows:

1. Calling roll of members.
2. Approval of Minutes.
3. Public Hearings.
4. Communications from the Mayor.
5. Communications from City Officers.
6. Applications for Licenses *and* Permits.
6. Presentation of Petitions.
7. Orders, Ordinances and Resolutions.
8. Receiving Committee Reports.
9. Unfinished business and other business.
10. Recess or Adjournment.

RULE 9 No person who is not a member of the City Council shall be permitted to address the City Council when it is in formal session. This rule shall not apply to duly authorized Public Hearings. Any Councillor who moves for suspension of this rule shall identify the individual or individuals to be permitted to address the Council.

RULE 10 The President of the Council shall take the chair at the hour fixed, or to which the Council has adjourned, recessed, or been called together, call the members to order, cause the roll to be called, and, on the appearance of a quorum, proceed to business.

RULE 11 The President shall preserve order and decorum, may speak to points of order in preference to other members and shall decide all questions of order, subject to an appeal to the Council, on the motion of any member.

RULE 12 The President shall declare all votes, but, if any member doubts the vote, the Presiding Officer, without further debate, shall require the members voting in the affirmative and negative to rise and stand until they are counted, and shall then declare the result.

RULE 13 The President may express an opinion on any matter under debate only by leaving the chair, and appointing a member of the City Council to take it; and, in such case, shall not resume the chair while that matter is pending, providing the same is taken previous to adjournment. The Presiding Officer, however, may state facts and render opinions on questions of order, without relinquishing the chair.

RULE 14 The President shall propound all questions in the order in which they are moved, unless the subsequent motion is previous in its nature; except that in naming sums, and in fixing times to fill blanks, the largest sum and the longest time shall be put first; and when a motion is made to refer any subject and different committees are proposed, the questions shall be taken in the following order:

- 1) To a Standing Committee
- 2) To a Special Committee

RULE 15 There shall be a Vice-President of the City Council who shall serve in the absence of the President and who shall be Chairperson of the Committee of the Whole. The Vice President shall be appointed by the President for a term of one year, subject to the confirmation by the City Council.

RULE 16 In the absence of both the President and the Vice-President, the Clerk shall call the City Council to order and preside until a President Pro Tempore is elected.

RULE 17 After a motion is stated or read by the Presiding Officer, it shall be deemed to be in possession of the Council and shall be disposed of; but the mover may withdraw it at anytime before a decision or amendment except, if any member objects, said motion shall only be withdrawn by a majority vote of the Council.

RULE 18 Motions are not amendable with the following two (2) exceptions:

- 1) Motion to amend.
- 2) Motion to postpone to a definite time (only amendable as to time and date)

These two (2) motions are amendable only to the second degree.

RULE 19 When a question is under debate, the Presiding Officer shall receive no motion except the following:

- To adjourn,
- To take a recess,
- For leave to withdraw a motion,
- To lay on the table,
- To suspend the rules,
- For the previous question,
- To postpone to a definite time,
- To commit or refer, or re-commit,
- To place on file,
- To divide the question,
- To postpone indefinitely, or
- To amend

These motions shall take precedence in the order in which they are arranged.

RULE 20 The following special rules shall apply to the motion to place a matter on file: The motion shall be debatable; it shall not be amendable nor can it have any other subsidiary motion applied to it except a motion for the previous question; the vote on this motion, whether favorable or unfavorable, can be the subject of a reconsideration motion. If rejected, the motion cannot be renewed. A majority vote of the entire City Council shall be necessary for approval. An affirmative vote on such a motion shall constitute final action, subject only to a timely motion for reconsideration.

The following special rules shall apply to the motion to suspend Rule 9 (for informational purposes only): A motion to suspend Rule 9, when made for the purpose of eliciting from a department head or other person information relative to a pending matter, shall take precedence over all motions except a motion to adjourn, to recess, withdraw a pending motion or to lay on the table. The motion to suspend Rule 9 shall be subject to all other City Council rules in the same manner and to the same extent as a motion to suspend any other rule.

RULE 21 No motion or proposition on a subject different from that under consideration shall be admitted under the color of an amendment.

RULE 22 No debate shall be allowed on any matter, unless and until there is a motion pending before the Council.

RULE 23 Motions need not be seconded.

RULE 24 The motion to adjourn, when to adjourn simply, the motion to lay on or to take from the table, for the previous question, and for the yeas and the nays, shall be decided without debate.

RULE 25 Upon a motion to move the previous question, the Presiding Officer shall restate the motion and all the debate upon the main question and pending amendments shall be suspended until the previous question is decided. After the adoption of the previous question, the vote shall forthwith be taken upon pending amendments in their regular order, and then upon the main question. A motion to put the previous question shall require a vote of ten (10) or more members of the Council for adoption. A motion to put the previous question made in a Council Committee shall require a vote of three (3) or more members except that, in the Committee of the Whole, suspension of any rule shall require ten (10) votes of that committee.

RULE 26 All incidental questions of order arising after a motion is made for the previous question, shall be decided without debate, except an appeal; and, on such an appeal, no member shall be allowed to speak more than once without leave of the Council.

RULE 27 When two or more members rise at the same time, the Presiding Officer shall name the member who is to speak first.

RULE 28 Every member when about to speak, shall rise, address the chair, and confine all remarks to the question under debate, avoiding personalities. No member in debate shall mention another member by name, but may refer to another Councillor by such designation as may be intelligible and respectful. No member shall refer to any off-committee or off-Council member in any manner except respectful or by their designation or title. No member shall speak or vote out of their place without leave of the Presiding Officer.

RULE 29 Limited debate of ten (10) minutes, with a maximum of three (3) minutes to each speaker, will be allowed on the following motions:

- Appeal from decision of the chair,
- To commit (refer to committee),
- To postpone to a definite time or indefinitely,
- Suspension of the Rules.

This rule shall not be suspended, unless by unanimous consent of those Councillors present.

RULE 30 When an Ordinance, Order or Resolution has been finally rejected or disposed of by the City Council, no Ordinance, Order or Resolution which

is substantially the same shall be introduced by any Council member or committee at any time within the twelve months next following final action on such Ordinance, Order or Resolution. No Ordinance, Order or Resolution shall be introduced to the City Council if it is determined that such Ordinance, Order or Resolution is substantially the same as an Ordinance, Order or Resolution which is currently pending before the City Council, or one of its committees. This restriction shall not apply when the Council has granted Leave to Withdraw on a previous Ordinance, Order or Resolution.

RULE 31 Recess may be taken at the discretion of the President, or by a majority vote of the Council. In either case, the reason for the recess shall be clearly stated beforehand. If a recess is called by the President, it shall not exceed thirty (30) minutes without a majority vote of the Council. No City Council business shall be conducted while the City Council is in recess.

RULE 32 The reading of any document presented to the City Council may be waived by an affirmative vote of a majority of all members of the City Council.

RULE 33 Any proposal or proposition seeking Council endorsement of a particular course of action shall be presented in the form of a Resolution. Every Resolution shall be reduced to writing and shall be signed by the member(s) presenting such Resolution. A copy of the Resolution shall be provided to all the members prior to any vote on said Resolution.

The term motion shall be used to refer only to a parliamentary motion and shall not be used as a substitute for a Resolution. Motions need not be seconded in order to be voted on by the City Council or one of its committees.

RULE 34 No member shall interrupt another while speaking, except by rising to a point of order, to a point of personal privilege, to a question of parliamentary procedure, or to doubt the presence of a quorum. While the full City Council or any committee is in session, the Presiding Officer shall insure that members are not interrupted, approached or debated by non-members. The Presiding Officer shall insure that non-members return to the gallery once the City Council has completed the questioning of non-members.

A member may rise to a point of personal privilege by leave of the Presiding Officer, but shall not discuss pending questions and shall confine his/her remarks to statements which have been made regarding his/her rights, reputation or conduct in his/her capacity as a City Councillor.

A member may rise to ask questions of parliamentary inquiry by leave of the Presiding Officer, but shall not discuss pending questions.

When a member is ruled out of order by the Presiding Officer, he/she shall immediately take their seat, unless granted leave to explain by the Presiding Officer; and the Council, if appealed to, shall decide on the case without debate; and if the decision is against the member, he/she shall not be permitted to speak.

RULE 35 No member of the City Council shall speak to the same question more than once, until all members choosing to speak shall have spoken.

No member may speak to the same question for more than fifteen (15) minutes, without majority approval of the City Council.

No member may speak to the same question for more than thirty (30) minutes, without the approval of 2/3 of the members of the City Council.

This rule shall not be suspended without unanimous consent of the members of the City Council, present and voting.

RULE 36 Upon the call of any one member, the vote on any question shall be taken by a call of the roll. When reading the call of the roll the Clerk shall read all of the names of the members.

RULE 37 Upon the call of any one member, and when the sense of the question will permit, a question shall be divided.

RULE 38 The members of the Council shall not leave their places on adjournment until the Presiding Officer declares the Council adjourned.

RULE 39 When a matter is initially introduced to the Council, it shall be immediately referred by the Council President to the appropriate committee. Resolutions, Orders and Ordinances submitted by a Councillor(s) at a regular Council meeting shall be referred to the committee which, in the opinion of the Council President, has proper jurisdiction over the subject matter.

In the case of a Resolution, Order or Ordinance submitted by a Councillor(s), the sponsor(s) of the Resolution, Order or Ordinance shall be allowed to speak for a maximum of three (3) minutes each not to exceed ten (10) minutes total for the purpose of explaining the nature and purpose of the Resolution, Order or Ordinance. This time limitation shall not be subject to suspension.

RULE 40 A majority vote of all the members of the City Council shall be required to confirm any appointment of the Mayor or to elect any person to any office within the jurisdiction of the members.

RULE 41 No appointments shall be acted upon until the meeting next succeeding that at which they are presented. When the vote on confirmation is ordered, the roll shall be called by the Clerk, and each member shall answer Yea or Nay as he/she wishes to vote, or, that he/she declines to vote.

RULE 42 All new appointments of persons as regular employees of the City submitted for confirmation by the Mayor to the City Council, shall be accompanied by a written resume of the prospective appointee's background and qualifications for that position.

The appointee's resume shall include his/her full name and residential address, education, work history and experience, and any current certifications and licenses held by him/her. The resume shall also include the names and addresses of all current employers, and shall disclose the names and addresses of any corporations, businesses, partnerships, trust, or other entities in which the appointee has any material interest, is an officer, director or board member, or officially represents in any capacity.

In addition, all appointments of persons as regular employees of the City of Waltham submitted for confirmation by the Mayor of Waltham to the City Council, shall be accompanied by a certification indicating that satisfactory CORI and background checks were conducted by the Mayor or his/her designee, reviewed and signed by the Mayor, in the following format:

Name of Appointee: _____
Appointed To: _____
Date of Appointment: _____

_____ A background investigation by (____ police)(____ private)
has been conducted for this Appointee.
_____ Date investigation was completed.
_____ Satisfactory (or) _____ Unsatisfactory background investigation
_____ A Criminal Offender Record Information (CORI) report was
obtained.
_____ Satisfactory (or) _____ Unsatisfactory CORI Report

Mayor's Signature or his/her Designee Date

All other appointments of persons other than regular employees of the City of Waltham, submitted for confirmation by the Mayor to the City Council, shall be accompanied by a written resume of the appointee's background and qualifications for that position. The resume shall include the appointee's full name and residential address, education, work history and experience, and any current certifications or licenses held by the appointee where such certifications and licenses are relevant to the appointed position. The resume shall also include the names and addresses of all current employers, and shall disclose the names and addresses of any corporations, businesses, partnerships, trust, or other entities in which the appointee has any material interest, is an officer, director or board member, or officially represents in any capacity, where any such relationship may create a conflict of interest involving the appointed position.

The City Council shall conduct a personal interview of all new appointees. The interview shall be held no fewer than six (6) days after the date of the original presentation to the Council, and no confirmation of any new appointee shall be voted until six (6) days after the completion of the interview. The City Council reserves the right to request a personal interview with respect to all re-appointments.

RULE 43 All Communications from the Mayor and City Officers must be filed with the office of the City Clerk electronically and in hard copy not later than 12:00 noon on the Thursday preceding the regular meeting of the City Council. Any communication from the Mayor and any City Officer that is not submitted to the office of the City Clerk before the 12:00 noon deadline shall not be included on the Council Docket, and shall be considered a late-filed communication.

All Resolutions pertaining to the invitation of non-members to appear before the City Council, shall be filed with the Office of the City Clerk not later than 12:00 noon on the Thursday preceding the regular meeting of the City Council at which the non-member is invited to appear.

No such late-filed communication shall be considered by the City Council except upon adoption of a motion to suspend this rule.

It shall be the duty of the City Clerk to notify the Presiding Officer of any communications, information, or documents not timely delivered with the members' dockets and to provide copies to all members.

RULE 44 No Resolution which has as its subject matter, directly or indirectly, the discipline, suspension or termination of employment of any municipal employee shall be admitted for consideration by the City Council except

by unanimous consent of all members of the Council, except as may otherwise be provided by the City Charter. This rule shall not be subject to suspension except by unanimous consent.

- RULE 45** All Ordinances shall pass through the following stages: First reading, passed to be engrossed (Second reading), and passed to be ordained (Third Reading). The Clerk shall engross all Ordinances before they are passed to be ordained and shall provide copies of the engrossed Ordinance to all Councillors before any such Ordinance is passed to be ordained. No engrossed Ordinances shall be amended.
- RULE 46** Every Ordinance, after it is passed to be engrossed, and every Order and Resolution shall be engrossed by the Clerk. Every Ordinance, after its passage to be ordained, and every Order and Resolution adopted by a vote of the City Council, shall be presented without unnecessary delay to the President of the Council or Presiding Officer of the meeting at which the same was adopted for his/her signature. The Clerk shall enter upon the records of the Council the day on which all such Ordinances, Orders or Resolutions were presented to the Presiding Officer.
- RULE 47** The City Clerk shall furnish to each member of the City Council an agenda of all business, insofar as he/she is able, that is to come before the Council at regular or special meetings. This agenda, which shall be known as the Council Docket, along with copies of all correspondence, materials, and information received since the last Council or Committee Docket was delivered, shall be delivered to the members by the Waltham Police Department no later than the Thursday preceding a regular Council meeting or at least forty-eight (48) hours before any special meeting of the City Council. An amended agenda including all business to come before the Council, including new items which were not contained in the delivered Council Docket shall be prepared by the City Clerk and furnished to each member of the Council at the time of the meeting. This Amended Agenda shall include all late filed communications, requests for Leave to Withdraw, and information on all applications for licenses. The Amended Agenda shall be labeled as such and dated, and shall clearly indicate which items have been added.
- All members of the City Council shall be provided with copies of all Resolutions, Requests (except requests for site views), Orders, and Ordinances, either digitally or in hard copy, before such matters are voted upon.
- RULE 48** Before final passage, a copy of each new proposed Ordinance shall be submitted to the City Solicitor for examination and advice as to form, legal character and constitutionality. The City Solicitor shall carefully

examine all such proposed Ordinances and advise the Council as to whether the same are rightly and truly drawn and whether they are constitutional.

RULE 49 Before the City Council votes approval of an application for a Special Permit, a copy of such proposed Special Permit, together with all conditions, special or general, which are proposed to be made a part of such Special Permit, shall be submitted to the City Solicitor, or outside counsel chosen by the committee and at petitioner's expense, for examination and advice as to form, legal character, enforceability of conditions and constitutionality. The City Solicitor, or outside counsel shall carefully examine the proposed Special Permit and all proposed conditions and advise the Council forthwith as to whether the same are rightly and truly drawn, and are legally enforceable and constitutional.

RULE 50 When the Council shall have given Leave to Withdraw at the written request of the applicant on an application for a Special Permit, and such request is made after publication of the hearing, no further application for a similar permit shall be entertained by the City Council during the same calendar year, except by a vote of at least ten (10) members of the Council.

RULE 51 A motion to grant Leave to Withdraw a matter which is pending before the City Council or the Council Committee of the Whole may only be made when requested, in writing, by the petitioner or sponsor of such matter, or his/her attorney. Where there is more than one petitioner or sponsor, the request of any one petitioner or sponsor shall be sufficient to have the motion placed before the Council or committee. A majority vote of the entire membership of the City Council shall be necessary for approval.

This motion shall be treated as a main or principal motion and shall yield to all subsidiary, incidental and privileged motions. Said motion shall be subject to limited debate of ten (10) minutes with a maximum of three (3) minutes to each speaker, but shall not be amendable and may properly be subject of a motion for reconsideration after action has been taken on the motion.

For the purpose of this rule, a matter should include any Resolution, any proposed Ordinance or Order, any communication from the Mayor seeking Council action on a matter, including appointments, petitions submitted by residents requesting betterments or improvements, requests from Boards or Commissions requesting Council action, bids submitted for the purchase of City owned land, petitions submitted by public utilities, any license over which the Council has license-granting authority, a petition for a change in the Zoning Ordinance, a petition for a Special

Permit, or any matter over which the Council has legal and proper jurisdiction.

This rule shall not include and shall not affect any Council rules which presently regulate a motion to withdraw a motion. This rule shall not supersede Rule 57 of the Council Rules, dealing with Special Permits.

RULE 52 In the case of presentation of petitions for construction of streets, sewers, sidewalks and drains, a copy of said petition shall be forwarded to the Director of Consolidated Public Works at the time of introduction to the City Council for a feasibility report and approximate cost involved in such construction. His/Her report shall be forwarded to the Committee on Public Works as soon as practicable and prior to the Public Hearing.

The Report shall at minimum contain the following information:

The Director of Consolidated Public Works and City Engineer shall each certify the scope of the work to be performed by city employees, the scope of work to be performed by any third party, a description of any work that will not be performed, the cost to or contribution by the City, the cost to each abutter, and the cost to any third party. The City Engineer shall certify that all construction plans have been reviewed, meet all professional engineering standards, and said plans have been signed and certified by a professional engineer and registered land surveyor. The City Engineer shall also certify that all plans are in compliance with all applicable city, state and federal ordinances and laws.

Upon completion of the project, the City Engineer shall certify that the post-construction as-built engineering and construction plans are in compliance with the scope of work authorized to be performed and with all applicable city, state and federal ordinances and laws and professional engineering standards.

RULE 53 All petitions for the laying out of streets and construction of sidewalks and/or curbing is chiefly for the benefit of the abutters, and shall be accompanied by a written waiver of damages on the part of each abutter. Said waiver of damages shall be on a form approved by the City Solicitor.

RULE 54 All proposed amendments to the City Charter submitted to the Council for a vote, shall require a Public Hearing. Notice of the Public Hearing shall be published in a newspaper of general circulation in the City of Waltham at least ten (10), but not more than fourteen (14) days prior to the date of said hearing. No final vote on the proposed amendment shall be taken until after the Public Hearing.

- RULE 55** A Public Hearing shall be held on all petitions which request the laying out and construction of new streets and sidewalks, or the installation of new sewers and drains, or the acceptance of existing private ways.
- RULE 56** The City Council shall not give final approval to an Order which provides for the taking by the City of real property held under private ownership unless notice of such proposed taking has been given by the Clerk of the City to the owner of said property, as listed in the most recent records of the Assessing Department of the City, by service of process by Constable or County Sheriff at least seven (7) days before final Council action, a notice which contains a description in general terms of the purpose and the extent of the taking. This rule shall not apply to the taking by the City of temporary easements.
- RULE 57** The provisions of this rule shall apply to both tax-title land for which the right of redemption has finally been extinguished (and to which the provisions of M.G.L. c. 60 do not otherwise apply) and other city-owned property. Those desiring to purchase city land and/or buildings, which may or may not be for sale, shall file a request describing the land and/or buildings to be purchased with the City Clerk.

Upon receipt of the request, the City Clerk shall docket the request for the next meeting of the City Council. Requests under this rule shall be referred to the Committee of the Whole.

Upon receipt of a request from the City Council or Committee of the Whole, the Law Department shall determine whether the subject property was acquired by eminent domain taking and/or is dedicated to a particular use or held by a specific department. The Law Department shall convey to the City Council the information above-referenced.

Depending upon how the property was originally acquired and/or is currently held by the City, the City Council shall follow the procedures required by M.G.L. c. 30B and M.G.L. c. 40, sec. 15 and/or 15A, if it decides to sell, lease or otherwise dispose of said property. Furthermore, if the City Council decides to sell, lease or otherwise dispose of said property, notice shall be sent to all abutters by the City Clerk.

If the Council decides to transfer the property from one city department to another rather than sell, lease or otherwise dispose of it, then the requirements of M.G.L. c. 30B shall not apply. Any city department seeking to transfer property from one city department to another shall provide a written declaration of surplus at the time of the filing of the request with the City Clerk.

The above procedures shall not apply to land held for park purposes or land which is subject to certain restrictions imposed at the time of its acquisition.

RULE 58 The City Clerk shall provide for each Councillor a copy of all communications addressed to the City Council as a body or to any City Council Committee or to the City Council President or to the City Clerk on matters of interest to the entire Council and which would not in the normal course of Council business be referred to the City Council for appropriate action, provided, however, that if such communication exceeds three (3) pages, a notice shall be sent to each Councillor advising that said document is available for inspection.

At each meeting of the City Council the Clerk shall provide all members with a list of all non-actionable communications to the City Council which were received since the last Council meeting. The list shall be marked "For Informational Purposes Only" and shall be posted on the City Council webpage.

RULE 59 Any Councillor asking for suspension of a Council rule shall identify that rule which he/she seeks to suspend. No Council rule shall be suspended unless at least ten (10) members of the Council consent thereto. No suspension shall be allowed on any rule which prohibits suspension or requires a specific Council vote of more than ten (10) members.

RULE 60 The following Standing Committees shall be appointed by the President of the Council annually:

1. Finance, five members.
2. Public Works and Public Safety, five members.
3. Licenses and Franchises, five members.
4. Ordinances and Rules, five members.
5. Economic and Community Development, five members.
6. Veterans Services, five members.
7. Long Term Debt & Capital Planning, five members.

The President of the City Council shall be ex-officio a member of all standing committees, but shall have a vote only on the committees to which he/she is regularly appointed unless his/her presence is necessary for a quorum.

RULE 61 The President shall announce the members of the standing committees at the next City Council meeting following that meeting at which the

President was elected. In even numbered years, that meeting shall be the first regular meeting following the organizational meeting on Inauguration Day. In odd numbered years, the President shall call a special meeting of the City Council, at 6:30 p.m. on the date of the first regularly scheduled committee meetings for that year for the purpose of appointing committees. The Clerks of the standing committees shall call the committees on the first date they are scheduled for starting at 7:00 p.m. The purpose of the meeting shall be to elect a Chairperson by a recorded call of the roll.

In the event of a vacancy in one or more committees, the President of the City Council shall appoint any member to fill a vacancy or resulting vacancies until all committees are filled. In the event of a vacancy of a committee Chairperson, the respective committee shall elect a new Chairperson, once the President has filled the vacancy.

Regular committee meetings shall be held on the first and third Mondays of each month, except during the months of July and August, beginning at seven o'clock. When Monday falls on a holiday the meeting shall be held on the following day.

It shall be the duty of the Clerk of each Council committee to prepare a complete list of all matters referred to the respective committees at the last Council meeting, as well as all matters that are tabled in committee. This list, known as the Committee Docket, along with copies of all correspondence, materials, and information received since the last Council meeting, shall be delivered by the Waltham Police Department to each Councillor no later than the Thursday preceding the committee meeting.

It shall be the further duty of the Clerks of the Council committees to prepare a report showing all committee actions taken at all committee meetings held since the last full meeting of the City Council, as well as all matters tabled in committee, known as the Report of Committees, and a copy thereof shall be included with the Council Docket, to be delivered by the Waltham Police Department to each City Councillor no later than the Thursday preceding the Council meeting.

RULE 62 The Rules of the City Council shall apply, wherever feasible, to the meetings of all Council committees, both standing and special, except as otherwise provided elsewhere in this rule; and, wherever it is necessary to accomplish the effect intended by this rule, the word Chairperson shall be substituted for the word "President" and the word "Committee" shall be substituted for the word "Council" or "City Council."

Except where Council Rules specify otherwise, a majority vote for those members who are present and voting shall be required for the adoption of

any motion properly placed before a Council committee; provided, however, that approval of any motion placed before the Committee of the Whole shall require the vote of at least eight (8) members of that committee.

And no measure shall be sent to the full City Council unless it shall have received, in the case of the Committee of the Whole, the vote of eight (8) members of that committee, and, in the case of all other Council committees, a majority vote of those members present and voting, on either (1) a motion for approval, or (2) a motion for denial, or (3) a motion to place on file, or (4) motion for Leave to Withdraw the matter, or (5) a motion to forward the matter to the full City Council without a recommendation.

A motion placed before a Council committee for suspension of any rule shall require a two-thirds (2/3) vote of those members present and voting, except that, in the Committee of the Whole, suspension of any rule shall require ten (10) votes of that committee.

RULE 63 The usual order of committee meetings will be as follows:

The Licenses and Franchises Committee shall meet at seven o'clock (7:00 p.m.).

The Veterans Services Committee, the Public Works and Public Safety Committee, the Economic and Community Development Committee, and the Long Term Debt and Capital Planning Committee shall meet upon the call of the Chairperson of the committee. No committee named above shall continue beyond eight o'clock (8:00 p.m.) without the unanimous consent of the committee members who are present. The remaining committees shall meet in the following order, beginning at eight o'clock (8:00 p.m.):

Committee of the Whole
Committee on Finance
Committee on Ordinances and Rules

The President of the City Council shall make suitable arrangements to provide for the simultaneous meetings of the various Council committees, with the restriction that no more than three (3) committees shall meet at the same time.

The usual order of the committee meetings may be altered in order that first preference shall be given to those committees to meet which have issues pending before them that involve discussion with invited Department Heads.

Preference shall also be given to other invitees and to issues which are of interest to a substantial number of persons present. (When a committee acting out of its usual order has disposed of the particular issue for which it was allowed to meet, committees shall revert back to the usual order).

- RULE 64** With the exception of the sponsor of a particular matter before a committee, or the Councillor of the Ward primarily affected by the issue being considered, no person who is not a member of a particular Council committee shall be permitted to take part in any debate or discussion without approval of that committee.
- RULE 65** The Committee on Finance shall consider and report upon all matters of a financial nature, including all matters relating to salaries and appropriations coming before the Council including proposed amendments to the Compensation Ordinance, and any other matters referred to it by the Council.
- RULE 66** The mid-year budget and annual audit review shall be held as soon as practicable after six (6) months of actual expenditures are available in written form no later than February 15. The Chairperson of the Finance Committee shall schedule annual budget hearings for budget review and schedule a special meeting of the Finance Committee for the purpose of conducting the mid-year budget and audit review. The City Auditor shall attend. All members of the City Council shall be invited to attend.
- Prior to the mid-year budget and audit review, the City Auditor shall distribute documentation at least one (1) week in advance of said meeting depicting year-to-date actual and budget summaries to all members of the City Council. Any member of the City Council may request that a Department Head be present at the mid-year review by notifying the Council President or Finance Committee Chairperson.
- RULE 67** The Committee on Public Works and Public Safety shall consider and report upon matters relating to public works operations and programs, including but not limited to streets, including requests for the appropriation of funds from the Chapter 90 State Highway Fund account, sidewalks, snowplowing, street sweeping, rubbish collection, recycling, water works, drains and sewers, public buildings and grounds, traffic.
- The Committee on Public Works and Public Safety shall also consider and report on all matters relating to the Police Department, the Fire Department, the Emergency Telecommunications & Dispatch Center, the Police and Fire Auxiliary, the Emergency Management Department, and local Emergency Planning Committee, Public Health, and any other matters referred to it by the City Council or the Council President.

RULE 68 The Committee on Licenses and Franchises shall consider and report on all applications for utility pole locations, pole attachments of any kind, laying or placement of underground wires/cables/fiber and all related materials, all matters relating to public franchises, all applications for licenses and non-zoning related permits, and any other matters referred to it by the City Council or the Council President.

RULE 69 The Committee on Licenses and Franchises shall require that every application for a Class I or Class II or Class III Motor Vehicle License requesting permission to buy or sell or dismantle or assemble motor vehicles or motor vehicle parts, under the provisions of Section 59 of Chapter 140 of the Massachusetts General Laws, be accompanied by a plot plan, drawn to scale, but not necessarily by an engineer, which shows the location of all proposed or existing buildings, the means of ingress to and egress from the lot in question, and, in the case of Class II licenses, clearly indicating the proposed location of:

1. Motor vehicles that will be for sale, and
2. Customer parking spaces and employee spaces.

Said Plot Plan shall be certified by the applicant as follows:

"I hereby certify that the attached plot plan is a complete and accurate depiction of the proposed/actual use of the licensed premises. I am aware that any amendments to the license or licensed premises during the term of the license must be approved in advance by the City Council. I am also aware that false statements may constitute cause for license revocation.

Applicant's signature

Dated"

Said plot plan certification shall be filed simultaneously with the filing of the application with the City Clerk.

RULE 70 Prior to granting a Class II motor vehicle license under the provisions of Section 58 of Chapter 140 of the General Laws of Massachusetts, the Licenses and Franchises Committee shall investigate the reputation and character of the applicant and his/her fitness to operate said business. The Licenses and Franchises Committee shall request the Chief of Police to furnish information that he/she has in his/her possession relating to the applicant.

RULE 71 The Committee on Ordinances and Rules shall consider and report on all matters relating to General Ordinances of the City of Waltham, including proposed amendments to the Zoning Ordinances or the Zoning Map, land use and planning, Special Permits, the City Council Rules and such other

matters as may be referred to it by the City Council or the Council President.

RULE 72 The Committee on Community and Economic Development shall consider and report to the City Council on all matters relating to community development and economic development including but not limited to the Federal Community Development Block Grant (CDBG) program and the CDBG Annual Budget, other community and economic development related grants and programs, and such other matters as may be referred to it by the City Council or the Council President. It shall establish a liaison with the Waltham Housing Authority and other governmental agencies and private community groups involved in community and economic development matters. It may arrange meetings with such agencies and groups, as needed, to facilitate the orderly flow of business between and among such agencies and groups, and to coordinate collaborative efforts promoting community and economic development, and to discuss legislation and related matters beneficial to the people of Waltham.

RULE 73 The Committee on Veterans Services shall consider and report to the City Council on all matters affecting Veterans and any other matters referred to it by the City Council or the Council President. It shall establish a liaison with the various veterans groups in the City and with the veteran's agent.

RULE 74 The Long Term Debt and Capital Planning Committee shall consider and report to the City Council on all matters relating to long-term debt projects or requests, capital improvement projects or requests, including the Capital Improvement Budget submitted by the Mayor, capital planning and all other matters referred to it by the City Council or the Council President.

RULE 75 The Chairperson of the Long Term Debt and Capital Planning Committee shall schedule an annual capital budget review at a special meeting of the committee for the purpose of conducting the mid-year capital budget review. All members of the City Council shall be invited to attend.

Prior to the mid-year capital budget review, the City Treasurer shall distribute documentation at least one (1) week in advance of said meeting depicting year-to-date actual and budget summaries to all members of the City Council. Any member of the City Council may request that a Department Head be present at the mid-year review by notifying the Council President or Long Term Debt and Capital Planning Committee Chairperson.

RULE 76 The Committee of the Whole shall consider and report on all matters that overlap one or more committees, appointments and reappointments

submitted to the Council for confirmation, and all other matters referred to it by the City Council or the Council President.

RULE 77 The Committee of the Whole shall meet at 7:30 p.m. on the third Monday in January for the purpose of preparing the Legislative Budget.

RULE 78 When any special committee is established by the Council President, the first member named shall be Chairperson, and in the case of the absence of the Chairperson, the committee shall have the power to appoint a Chairperson Pro Tempore.

RULE 79 When a written report of a special Council committee which has City Council members serving as members of that committee is presented to the City Council, the Chairperson and/or any of the Council members of the committee shall be entitled to speak for a total of ten (10) minutes, for the purpose of explaining the report of the committee. No debate shall take place at this time.

Copies of the report shall be furnished to all members of the Council at least twenty-four hours in advance. An equal amount of time (maximum of ten (10) minutes) subject to the same limitations contained in this rule shall be allotted for the presentation of the written minority report, if any.

RULE 80 If the Chairperson fails to call a meeting of the committee within ten (10) days from the time a subject has been referred to it, any three (3) members may call such a meeting for the purpose of discussing and voting on that subject matter.

RULE 81 It shall be the duty of any committee to which a subject has been referred, to report thereon within one hundred and eighty (180) days from the time said subject is received by them, or to ask the Council for an additional period of time, specifying the length of the extension. No extension of time shall be granted for more than forty-five (45) days and no more than two (2) extensions shall be granted.

Failure to act within the one hundred and eighty (180) day period or within the time period allowed by any extension(s) granted shall result in the matter being automatically forwarded to the Council without recommendation at the next regular Council meeting following the allowed period of time.

Regarding all matters in committee for more than one hundred and eighty (180) days or beyond the time granted by any extension(s) thereto, the sponsor(s) of the matter shall be advised by the Clerk of that committee,

that the matter will be forwarded to the City Council without recommendation.

When a member of the Waltham City Council leaves the City Council all matters on the docket of any committee having been sponsored solely by that Councillor shall be automatically discharged from committee with a recommendation to the Council that the matter be placed on file.

This rule shall not apply to amendments to the Zoning Ordinances nor to applications for Special Permits. All reports submitted to the Council by any of its committees shall be signed by the Chairperson of the committee at the time action by the committee is taken.

RULE 82 No committee shall sit during the session of Council without special leave.

RULE 83 No committee shall be discharged of a matter pending before that committee unless ten (10) or more members of the Council consent thereto. However, any matter which has been automatically referred to the Council by operation of Rule 81 shall, unless and until the Council specifically votes to recommit the matter, be considered “tabled” on the floor of the City Council and subject to a motion by any Councillor.

RULE 84 All Committees, both standing and special, shall comply with the requirements of the state open meeting law regarding meeting notices, agendas, and minutes. Notices and agendas for all committee meetings shall be provided to all members of the City Council at least 48 hours before the meeting, not including Saturdays, Sundays and legal holidays. Minutes must be approved in a timely manner. Generally, this should occur at the next meeting of the committee. Minutes shall be provided to all members of the City Council at least 48 hours before the meeting at which they are to be approved, not including Saturdays, Sundays and legal holidays.

RULE 85 At a duly authorized Public Hearing, while such hearing is in progress, Councillors shall refrain from making public commentary which might give the appearance of aligning them on either side of an issue under discussion; provided, however, that in the particular instance where a Councillor(s) has sponsored the proposal which the subject matter of the duly authorized Public Hearing, said Councillor(s) shall be permitted to testify and answer questions relative to the proposal. Said Councillor(s) shall not, however, during the duration of such Public Hearing, take part in the questioning of the witnesses who may testify at such hearing.

Prior to the commencement of a Public Hearing for a Special Permit, the Presiding Officer shall make a public statement explaining that members

of the City Council shall refrain from expressing an opinion in favor or against the matter under discussion at any time during the Public Hearing.

RULE 86 Except as may otherwise be determined by a majority vote of the City Council, Public Hearings of the City Council, including those held jointly with the Board of Survey and Planning, shall be conducted in accordance with the following rules:

The first thirty (30) minutes, if needed, shall be set aside for proponents of the pending proposal to speak in favor of the proposal. The next thirty (30) minutes, if needed, shall then be set aside for opponents of the proposal to speak in opposition to the proposal. The next thirty (30) minutes, if needed, shall then be set aside to hear testimony from interested persons whose positions are neutral at this time, or who are only seeking information.

The same sequence shall be followed throughout the entire hearing, alternating the same thirty (30) minute time sequences, if needed, to proponents, opponents, and neutral testimony.

No person speaking during the time period allotted for neutral testimony shall argue for or against the pending proposal. Any person who, in the judgment of the Presiding Officer, is improperly using the neutral period to advance a position in support of or in opposition to the pending proposal shall be ruled out of order.

All persons wishing to speak at any Public Hearing of the City Council shall approach the lectern during the appropriate time period, identify themselves by their full name, sign in the log, give their full residential address, and identify the name and address of any corporation, business, partnership, trust, association, group, or other entity, if any, they are representing at the Public Hearing.

No person or their agent shall speak on the question more than once, except in rebuttal or in response to questions from the Council.

Those persons who choose not to address the City Council may be counted by a show of hands or standing count in favor of or in opposition to the issue, which shall be considered as evidence in the hearing.

After all testimony has been heard from proponents, opponents, and other interested persons, and before rebuttal, Councillors shall have the opportunity to question any person who has presented testimony at the hearing without any time limitation.

When all questioning by Councillors has concluded, one person, speaking in favor of the proposal, shall be entitled if so desired, to a rebuttal period, not to exceed ten (10) minutes. At the conclusion of said rebuttal period, one person, speaking in opposition to the proposal, shall be entitled, if so desired, to a rebuttal period not to exceed ten (10) minutes. There shall be no questioning by Councillors during or after the rebuttal period.

It shall be the duty of the Presiding Officer or his designee, at any meeting for which is scheduled one or more Public Hearings, to read this rule aloud prior to the commencement of the Public Hearings.

It shall also be the duty of the Presiding Officer to suggest that, while everyone, whether a proponent or opponent, shall be afforded the opportunity to express their own opinion, excessive, needless repetition is to be discouraged.

RULE 87 The City Council shall annually hold a Public Hearing on classification on the fourth Monday in November at six thirty (6:30 p.m.). Notice of said hearing should be published in a newspaper of general circulation in the City of Waltham at least ten (10), but not more than fourteen (14) days prior to the date of said hearing.

RULE 88 Requests that a Citizen Input Hearing be held for the purpose of gathering additional information and attempting to ascertain the will of the people, every invitation to a Department Head or other person to appear before the City Council or one of its committees, or any request for written information including legal opinions from the City Solicitor, shall be classified as a REQUEST and shall be acted upon at the same meeting at which it is introduced. Such REQUEST shall be reduced to writing, shall include an explanation of the matter to be discussed, including specific questions, if any, and shall be signed by the member(s) presenting such REQUEST. REQUESTS may be debated and are subject to invocation of Section 2.9 of the City Charter. A REQUEST shall be entertained only when it is made with reference to a matter which is pending before the Council or one of its committees. A suggestion that a site-view be conducted by the City Council on a pending matter shall be treated as a REQUEST, but need not be reduced to writing.

RULE 89 **SPECIAL PERMIT PROCEDURES** (Reference Article 3 Sec. 3.5 and Article 7 Section 7.5 of the Zoning Ordinance and Chapter 40A, M.G.L.)

I. PETITIONS

A. All Petitions shall include a letter of submittal stating the following:

- (1) All Petitioners' names, addresses, telephone numbers and signatures. If Petitioner and/or land owner is a corporation, the letter of submittal shall include the names of the members of the board of directors and the signature of an authorized officer. If the petitioner and/or land owner is a trust, the letter of submittal shall include the names of the trustees and their signatures. If the petitioner and/or the land owner is a partnership, the letter of submittal shall include the names and signatures of all partners.
- (2) Name, address, telephone number, and signature of all legal owners of the land to which the proposed Special Permit shall apply.
- (3) Name, address, and telephone number of petitioner's attorney.
- (4) Name, address, and telephone number of land owner's attorney.
- (5) Street address and Atlas identification of the subject property.
- (6) Provisions of the Zoning Ordinance requiring or allowing a Special Permit and also the zone in which said property is located.
- (7) A sworn certification by the Petitioners that all Plans submitted to the City Clerk are identical to those Plans submitted to, reviewed and signed by the respective City Departments.

B. All Petitions must be accompanied by:

- (1) A LAND PLAN with existing buildings, etc. approved by the Engineering Department with 20 prints. The ORIGINAL plan and legal description of the property (bearings, distances, radii, arcs, central angles and area to the nearest square foot) must be submitted to the Engineering Department for his/her signature and certification no more than (1) one week prior to filing with the City Clerk. *

Legal description must run in a clockwise direction and agree with the plan submitted. For all lots of 25,000 square feet or more, the plan and description must be on the National Geodetic Survey System for horizontal control and a coordinate supplied of at least one point on the plan in either the North American Datum of 1927 or 1983. *

- (2) Certification by City Engineer to the City Council as follows:

“I, [City Engineer] do hereby certify that on this [day] of [month, year], I reviewed the Plans of the Petitioner dated [Plan Date], that said Plans meet all professional engineering standards, that said Plans have been signed by a registered Land Surveyor, that said Plans are in compliance with all applicable city, state and federal ordinances, laws and rules, including the Rules and Regulations of the City of Waltham Board of Survey and Planning.” [Signature City Engineer]

- (3) Certification by a Registered Land Surveyor as to each page of the Petitioner’s Plans, as follows:
 - a. “I certify that this survey plan shows the property lines that are the lines of existing ownership and that the lines of streets and ways shown are those of public or private ways already established, that no new lines for division of existing ownership or for new ways are shown. (If a subdivision plan is filed, the plans shall contain Certifications (b) and (c) below)
 - b. I certify that this survey and plan conforms to the ethical, procedural and technical standards for the practice of land surveying in the Commonwealth of Massachusetts.
 - c. I certify that this Plan has been prepared in conformity with the rules and regulations of the register of deeds of the Commonwealth of Massachusetts”.

Name – Title – Seal

Date

- (4) A list of names, addresses and mailing addresses of abutters within 300’ and directly opposite on any public or private way as certified by Assessor. *
- (5) Two (2) sets of individual names and mailing addresses of abutters (as above) typed on pressure sensitized labels (similar to Avery or Xerox). (If necessary, labels can be supplied by the City Clerk)
- (6) Original Development Prospectus with 20 copies.
(Form to be provided and approved by the City Clerk) Said Form shall be paginated and shall not be materially altered. *

- (7) Fee in the amount of \$500.00. Checks made payable to CITY OF WALTHAM.*
- (8) At the Public Hearing, a proposed decision with determinants as set forth in Article 3, Section 3.53 of the Zoning Ordinances shall be submitted to the City Clerk.
- (9) All other documents or professional studies (e.g Traffic studies) to be considered by the City Council shall be filed with the City Clerk at the time of filing of the Petition.
- (10) All recorded Deeds pertaining to the Petition which are valid and enforceable as of the date filed with the City Clerk.
- (11) All signatures required by the Development Prospectus shall be dated within sixty (60) days of the date of filing with the City Clerk.

II. PLAN(S)

- A. Plan(s) shall be in India Ink or 3 mil (or thicker) mylar with matte both sides. All information including, but not limited to, legal description (bearings, distances, radii, arcs, central angles and area to the nearest square foot), plan, plan title, street names, zoning designations, abutter names and elevations will be mechanically drawn (Leroy type lettering) or computer generated to a minimum height of 1/10 inch.
- B. Scale will be 1 inch = 40 feet. Size of the plan will be 24" x 36" with a 3/4" border. Use more than one sheet if necessary. In areas larger than 5 acres the City Clerk may allow the scale of the plan to be 1 inch = 100 feet; however, the area being petitioned must be drawn on a 1 inch = 40 feet scale.
- C. Land Plan Detail:
 - (1) Show street (label whether public or private and width), lots and buildings within 300' of locus. *
 - (2) Show names of all abutters within 300' of the proposed zone change. *
 - (3) Show all existing zoning designations within the scope of the plan.

- (4) Show the North Arrow (should point toward top of sheet).
- (5) Plan must show all of existing property lines including those inside the petitioned area.
- (6) Plan shall be stamped and signed by a Registered Land Surveyor.
- (7) Said Plan must show Fire Department Access as required by 527CMR 25, including all turning Radii and proposed fire lanes

D. Plan title to be in the lower right corner of the plan and shall read as follows:

PLAN TO ACCOMPANY PETITION OF

Name of Petitioner

FOR A SPECIAL PERMIT AT

No. _____, Waltham, MA
(Name of Street)

Scale: (_____) Date: (_____)

(Name of Land Surveyor) Land Surveyor _____
(Address of Surveyor)

City Council No. _____ Approved _____

Disapproved _____

III. Electronic signatures, as approved by the City Clerk, on the prospectus will be accepted for department heads

**DO NOT BEND OR FOLD ORIGINAL PLAN(S),
ORIGINAL(S) WILL BE KEPT ON FILE IN THE ENGINEERING DEPT.**

* Asterisk indicates statutory and Zoning Provisions that cannot be suspended.

**STATUTORY PROVISIONS FOR HEARING PROCEDURES AND
TIME FRAME ON SPECIAL PERMITS
(Chapter 40A M.G.L.)**

- 1) The City Council must hold a Public Hearing within 65 days of the filing of an application with the City Clerk.** The City Clerk shall set a date for the hearing, within the 65 day time period allowed, in consultation with the Council President.
- 2) Action by Council must be within 90 days of the close of the Public Hearing.**
- 3) Granting requires Roll Call Vote of 2/3 of the City Council ⁽¹⁰⁾.
- 4) Appeal period to Court must be within 20 days of the date of filing the decision with the City Clerk.
- 5) Owner must record the decision prior to receiving a building permit.

**Length of time may be extended by mutual agreement of petitioner and City Council.

RULE 90 No Special Permit for an increase in intensity of use shall be approved by the Rules and Ordinances Committee unless the provisions of said Special Permit contains the following items:

- A statement that all documents required under the Provisions of the so-called Floor-Area-Ratio (F.A.R.) zoning amendment, adopted on or about December 28, 1987, have been filed with the appropriate municipal agency or department, including, but not necessarily limited to, an official plot plan, landscaping plan, any plans, where required, describing traffic patterns.
- A statement clearly stating the exact Floor Area Ratio (F.A.R.) of the proposal in question (as of the date of the final vote by the City Council).
- A statement indication the exact percentage of the entire lot or parcel that will be preserved and maintained for “open space” as required by the F.A.R. amendment.
- A statement that all required information, including photographs and diagrams if necessary, indicating

how the finished site contours have been designed to maintain the pre-existing state of the subject lot or parcel have been filed.

- A statement by the committee that all findings and determinations of the Waltham Traffic Commission, pursuant to the provisions of the F.A.R. Ordinance, have been presented to, and considered by, the committee.
- A statement to the effect that the committee thereby incorporates such documents by reference with the intention of making said documents a condition of the Special Permit.

No Special Permit shall be granted unless the applicant has obtained prior approval by the Board of Appeals of any variances which are necessary in order for the applicant to conform to the terms of the Special Permit.

RULE 91 Any Special Permit decision filed with the City Clerk shall be that of the prevailing side.

RULE 92 ZONING DISTRICT AMENDMENT PROCEDURES (Zone Change) (Reference Article 7, Section 7.5 of the Zoning Ordinances and Chapter 40A, M.G.L.)

(I) PETITION

A. All petitions for a Zoning District amendment (Zone Change) under The Zoning Ordinances shall include a letter of submittal stating the following:

- (1) All Petitioners' names, addresses, telephone numbers and signatures. If Petitioner and/or land owner is a corporation, the letter of submittal shall include the names of the members of the board of directors and the signature of an authorized officer. If the petitioner and/or land owner is a trust, the letter of submittal shall include the names of the trustees and their signatures. If the petitioner and/or the land owner is a partnership, the letter of submittal shall include the names and signatures of all partners.
- (2) Name, address, telephone number, and signature of all legal owners of the land to which the proposed Special Permit shall apply.

- (3) Name, address, and telephone number of petitioner's attorney.
- (4) Name, address, and telephone number of land owner's attorney.
- (5) Street address and Atlas identification of the subject property.
- (6) Provisions of the Zoning Ordinance requiring or allowing a Special Permit and also the zone in which said property is located.
- (7) A sworn certification by the Petitioners that all Plans submitted to the City Clerk are identical to those Plans submitted to, reviewed and signed by the respective City Departments.
- (8) Nature of the Zone Change.

B. All Petitions must be accompanied by:

- (1) A plan approved by the Engineering Department with 20 prints. The ORIGINAL plan and legal description of the property (bearings, distances, radii, arcs, central angles and area to the nearest foot) must be submitted to the Engineering Department for his/her signature and certification no more than (1) one week prior to filing with the City Clerk. *
Legal description must run in a clockwise direction and agree with the plan submitted. For all lots of 25,000 square feet or more, the plan and description must be on the National Geodetic Survey System for horizontal control and coordinate supplied of at least one point on the plan in either the North American Datum of 1927 or 1983. *
- (2) A list of names, addresses and mailing addresses of abutters within 300' and directly opposite on any public or private way as certified by Assessor. *
- (3) Two (2) sets of individual names and mailing addresses of abutters (as above) typed on pressure sensitized labels (similar to Avery or Xerox). (If necessary, labels can be supplied by the City Clerk)
- (4) Fee in the amount of \$500.00. Checks made payable to CITY OF WALTHAM.*
- (5) At the Public Hearing, a proposed Zoning Ordinance Amendment with determinants as set forth in Article 3, Section 3.53 of the Zoning Ordinances shall be submitted to the City Clerk.

- (6) All other documents or professional studies (e.g Traffic studies) to be considered by the City Council shall be filed with the City Clerk at the time of filing of the Petition.
- (7) All recorded Deeds pertaining to the Petition and which are valid and enforceable as of the date filed with the City Clerk.
- (8) At the time of filing Petition with the City Clerk's Office, the Petitioner must file the following information simultaneously with the Clerk of the Board of Survey and Planning:
 - 1) TWENTY (20) copies of the plans showing the locus.
 - 2) List of abutters as provided to the City Clerk.

II. PLAN

- A. Original plan will be in India Ink on 3 mil (or thicker) mylar with matte both sides. Legal description (bearings, distances, radii, arcs, central angles, and area to the nearest square foot), plan title, street names, zoning designations, and abutters names will be mechanically drawn (Leroy type lettering) or computer generated to a minimum height of 1/10 inch.
- B. Scale must be 1 inch = 40 feet. Size of the plan will be 24" x 36" with a 3/4" border. Use more than one sheet if necessary. In areas larger than 5 acres, the City Clerk may allow the scale of the plan to be 1 inch = 100 feet; however, the area being petitioned must be drawn on a scale of 1 inch = 40 feet scale.
- C. Plan Detail:
 - (1) Show streets (label whether public or private and width), lots of buildings within 300' of locus. *
 - (2) Show names of all abutters within 300' of the proposed zone changed.
 - (3) Show all existing zoning designations within the scope of the plan.
 - (4) Show the North Arrow (should point toward top of sheet).

- (5) Plan must show all existing property lines including those inside the petitioned area.
- (6) Plan shall be stamped and signed by a Registered Land Surveyor.
- (7) Certification by City Engineer to the City Council as follows:
 “I, [City Engineer] do hereby certify that on this [day] of [month, year], I reviewed the Plans of the Petitioner dated [Plan Date], that said Plans meet all professional engineering standards, that said Plans have been signed by a registered Land Surveyor, that said Plans are in compliance with all applicable city, state and federal ordinances, laws and rules, including the Rules and Regulations of the City of Waltham Board of Survey and Planning.” [Signature City Engineer]
- (8) Certification by a Registered Land Surveyor as to each page of the Petitioner’s Plans, as follows:
 - a. “I certify that this survey plan shows the property lines that are the lines of existing ownership and that the lines of streets and ways shown are those of public or private ways already established, that no new lines for division of existing ownership or for new ways are shown. (If a subdivision plan is filed, the plans shall contain Certifications (b) and (c) below)
 - b. I certify that this survey and plan conforms to the ethical, procedural and technical standards for the practice of land surveying in the Commonwealth of Massachusetts.
 - c. I certify that this Plan has been prepared in conformity with the rules and regulations of the register of deeds of the Commonwealth of Massachusetts”.

 Name – Title – Seal

 Date

D. Plan Title to be in lower right corner of plan and shall read as follows:

Plan showing area to be rezoned from

_____ to _____
 (Existing Zone) (Proposed Zone)

at

No. _____, Waltham, MA
(Street Name)

by

(Name of Petitioner)

Scale: (_____)

Date: (_____)

(Name of Surveyor)

(Address of Land Surveyor)

City Council No. _____

Approved _____

Disapproved _____

- III.** Electronic signatures, as approved by the City Clerk, on the prospectus will be accepted for department heads.

THE PROVISIONS OF THIS RULE SHALL NOT APPLY TO ZONING
AMENDMENTS INITIATED BY MEMBERS OF THE COUNCIL, ITS
COMMITTEES OR THE BOARD OF SURVEY AND PLANNING.

DO NOT BEND OR FOLD ORIGINAL PLAN,
ORIGINAL WILL BE KEPT ON FILE IN THE ENGINEERING DEPARTMENT.

* Asterisk indicates statutory and Zoning Provisions that cannot be suspended.

EXPLOSIVES AND INFLAMMABLE MATERIALS STORAGE LICENSES

RULE 93 An applicant for an original (new) or renewal Explosives or Inflammable Materials Storage License shall make application as set forth herein, and in Article VII, Section 8-106 of the General Ordinances of the City of Waltham and Chapter 148, Section 13 of the Mass General Laws, on a form provided by the City Clerk.

(1) Application must be accompanied by five (5) sets of plans with specifications as provided below:

(2) Original plan shall be in ink and to scale, 1 inch = 40 feet.

(3) Proposed location of garage or tank to be shown in red ink.

(4) Size of plan, if possible, to be 8 ½ x 11" or 11" x 15". Plan should have a north point, names of streets, show all abutting property owners

including those across a street or way, street numbers on all buildings, size of buildings, should show distance of garage or gas tank from property lines and adjacent buildings. Entrances, exits and all places where the sidewalk is to be crossed are to be shown in red ink.

(5) Garage applications of more than four (4) car capacity shall be accompanied by an additional plan to the above, showing the front elevation of the proposed building. Said plan to be the same size as specified above. The vertical scale shall be four (4') feet to an inch.

(6) All plans shall be signed by the applicant or his authorized agent and Should include a title, as follows:

“PLAN TO ACCOMPANY PETITION OF _____
property owner

TO LOCATE A _____ CAR GARAGE AND/OR STORE

_____ IN _____ TANKS
kind of fuel #

UNDERGROUND FOR _____ GALLONS _____ GALLONS
#

ABOVE GROUND IN APPROVED CONTAINERS, TOTAL GALLON

CAPACITY IS _____ AT NO _____ STREET,
#

WALTHAM, MASSACHUSETTS.

SCALE: 1 INCH = 40 FEET. DATE:

APPROVED: _____
Signature

(6) The fee to accompany said application will be set forth in Article VII, Section 8-106 of the General Ordinances and Chapter 148, Section 13 of Massachusetts General Laws. *

(7) Upon receipt of an application, the City Clerk shall send the original application and a copy of the plan to the Fire Department for review, comment, and approval. The Clerk shall send a copy of the application and plan to the Conservation Commission for review, comment, and approval. The original plan and a copy of the application shall be maintained by the City Clerk.

(8) Upon receipt of a new application or an application requesting additional storage, the City Clerk shall schedule a Public Hearing, to be held at a regular meeting of the City Council, on the earliest date practical taking into consideration the notification and publishing requirements of M.G.L. Chapter 148, Section 13, and the extent of matters already scheduled on the City Council Docket.

(9) The office of the City Clerk shall cause to be published, at least seven (7) days prior to such Public Hearing, an official notice of the scheduled Public Hearing in a newspaper published in Waltham.

(10) Upon setting the Public Hearing, the Clerk shall send a copy of the hearing notice to the applicant or the applicant's authorized representative by certified mail, return receipt requested. Said applicant or the applicant's authorized representative shall then send copies of said notice to all abutters of record by certified mail, return receipt, not less than seven (7) days prior to the hearing. All receipts shall be brought to the hearing by the applicant or the applicant's authorized representative, and submitted to the City Council through the Clerk prior to the commencement of the hearing. At the Close of the Public Hearing, the matter shall be referred to the Licenses and Franchises Committee. *

(11) Licenses must be registered annually, on or before April 30th, with the appropriate fee paid to the City Clerk. Annual registrations shall not require a Public Hearing. New applications and applications requesting additional storage (which shall be treated as new applications) require a Public Hearing and a full fee schedule of Article VII, Section 8-106 of the General Ordinances shall apply. *

* Asterisk indicates statutory provisions that cannot be suspended.

LODGING HOUSE LICENSES

RULE 94 (1) An applicant for an original (new) or renewal Lodging House License shall make application as set forth herein, on a form provided by the City Clerk.

(2) All applications for a Lodging House License shall be accompanied by the application fee of FIFTY DOLLARS (\$50.00) (M.G.L., Chapter 140, Section 23), and in addition, all applications for an original (new) Lodging House License shall be accompanied by a Hearing Fee of SEVENTY FIVE DOLLARS (\$75.00).

(3) Upon receipt of an application, the City Clerk shall send a copy of the application to the Police Department, Fire Department, the Health Department and the Building Department for their review, comments, and approval, with a request that a response be submitted to the Licenses and Franchises Committee within seven (7) days. The original application shall be maintained by the City Clerk.

(4) Upon receipt of an application for an original (new) Lodging House License, the City Clerk shall schedule a Public Hearing, to be held at a regular meeting of the City Council, on the earliest date practical taking into consideration the notification and publishing requirements and the extent of matters already scheduled on the City Council Docket. (A Public Hearing is not required on renewals, unless an existing licensee is requesting additional rooms, in which event the renewal is treated as a new license application).

(5) The office of the City Clerk shall cause to be published, at least seven (7) days prior to such Public Hearing, an official notice of the scheduled Public Hearing in a newspaper published in Waltham.

(6) Upon setting the Public Hearing, the Clerk shall send a copy of the hearing notice to the applicant or the applicant's authorized representative by certified mail, return receipt requested. Said applicant or the applicant's authorized representative shall then send copies of said notice to all abutters of record by certified mail, return receipt requested, not less than seven (7) days prior to the hearing. All receipts shall be brought to the hearing by the applicant or the applicant's authorized representative, and submitted to the City Council through the Clerk prior to the commencement of the hearing. At the Close of the Public Hearing, the matter shall be referred to the Licenses and Franchises Committee.

Lodging House Licenses shall expire annually on the 31st day of December, but, they may be granted during December so as to take effect on January First of the ensuing year (General Laws, Chapter 140, Section 4). * Renewal applications shall not require a Public Hearing.

LODGING HOUSE LICENSES THAT ARE NOT SUBMITTED TO THE CLERK'S OFFICE FOR RENEWAL BY DECEMBER 31ST SHALL EXPIRE. *

* Asterisk indicates statutory provision that cannot be suspended.

RULE 95 The City Council shall not approve any request or petition from a public utility company, if the granting of such request or petition will result in the excavation of a public (or private) way, unless said utility company has filed in the office of the City Clerk an updated two (2) year Master Plan,

so-called, which plan contains a listing of the streets and sidewalks which said utility company intends to excavate during the forthcoming two (2) year period, together with a statement or notation indicating the extent of such excavation and, if possible, a timetable indicating the approximate date when the construction is expected to begin.

**The following section is
for informational purposes *only*,
and not a part of the
City Council Rules.**

MUNICIPAL LAWS – VOTES REQUIRED

1. For Approval of the Annual Budget – General Laws, Chapter 44, Section 1 and Section 32 = **MAJORITY**.
2. For Intra-Departmental (within the same department) transfer of funds – General Laws, Chapter 44, Section 33B = **MAJORITY**.
3. For Inter-Departmental (from one department to another) transfer of funds – General Laws, Chapter 44, Section 33B = **2/3 VOTE** *plus assent of the Department Head from whose Department funds are being transferred.*
4. For Appropriation of money – General Laws, Chapter 43, Section 99 and Chapter 44, Section 32 = **MAJORITY VOTE**.
5. For Approval of Appropriation for purchase or taking of land – General Laws, Chapter 40, Section 14 = **2/3 VOTE**.
6. For Approval of Loan Orders whether within or outside of the Debt Limit – General Laws, Chapter 44, Sections 7 and 8 = **2/3 VOTE**.
7. For Approval of an Order for purchase or taking of land – Charter Section 8-4 & General Laws, Chapter 40, Section 14 = **2/3 VOTE**.
8. For Order taking an interest in land by decree – Charter Section 8-4 & General Laws, Chapter 40, Section 14 = **2/3 VOTE**.
9. For Approval of abandonment of land or easement – General Laws, Chapter 40, Section 15 = **2/3 VOTE**.
10. For Acceptance of a statute – General Laws, Chapter 4, Section 4 = **MAJORITY VOTE**.

11. For Adoption of any Motion, Resolution or Ordinance –Charter Section 2-4 = **MAJORITY VOTE**.
12. For Adoption of an Ordinance in a single session as is defined and declared as an Emergency in the Preamble – Charter Sections 2-8 & 2-9 = **2/3 VOTE**.
13. For passage of original Zoning Ordinance or Change of Zoning Ordinance = **2/3 VOTE**.

Note: If a written protest is filed with the City Clerk prior to the final action of the City Council and which protest is signed by at least 20% of the owners of the land proposed to be included in such a change, or 20% of the owners of the area of land immediately adjacent, extending 300 feet there from, then General Laws, Chapter 40A, Section 5 requires a **3/4 VOTE**.

14. For Increase in salary or wage –General Laws, Chapter 44, Section 33A = **2/3 VOTE**.

For adding a position = **MAJORITY VOTE** on Final (3rd) Reading.

For Funding a Position = **2/3 VOTE** (10 votes) on Final (3rd) Reading.

15. For Increase of Pension – General Laws, Chapter 32, Section 90A = **2/3 VOTE**.
16. For Appointments – See Rule #33 and Charter Section 3-3
17. For Overriding Mayor's Veto – Charter Section 3-9 = **2/3 VOTE**.

**REFERENCE TO COUNCIL RULES
THAT HAVE BEEN
MOST OFTEN SUSPENDED**

- RULE 2** To continue a Council meeting beyond 12:00 Midnight.
- RULE 8** To take matters before the Council out of the usual order of business.
- RULE 9** Allowing a Department Head to speak before the City Council.
- RULE 39** To act on matter without committee reference.
- RULE 43** Allowing submission of late filed communication.